

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA



FILED

OCT 26 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

ERIC DRAKE
Plaintiff

v.

JOSEPH ROBINETTE BIDEN JR.
Defendants

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Case Number:

1:20cv247

TSK/MJA

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Eric Drake, hereinafter referred to as "Plaintiff" or "Drake" and brings this action against the above Defendants alleged as herein.

PARTIES

1. Defendant Joseph Robinette Biden Jr. is a candidate for the presidency of the United States of America. He may be served with summons and complaint by serving him at his residence address at: 1209 Barley Mill Rd Wilmington, DE, 19807-2225 or wherever he may be found.

2. Plaintiff is an individual who is a citizen in the United States.

JURISDICTION & VENUE

3. Plaintiff invokes this Court's jurisdiction of this action also under, 15 USC §2301, 28 U.S.C. § 1331, §1332, §1343. And supplemental jurisdiction under 28 U.S.C. § 1367, over state law violations. When federal jurisdiction is founded upon diversity of

citizenship under 28 U.S.C.S. § 1332, the district court is bound to apply state substantive law to plaintiff's claims. Plaintiff pleads the Defendants violated the 5th Amendment.

4. Fifth Amendment to the United States. Plaintiff and Defendants are citizens of different states, creating diversity of jurisdiction.

5. Plaintiff invokes the Court's jurisdiction of this action under USC § 1331, 1332, and 23 U.S.C. § 109(d).

6. Plaintiff claims federal jurisdiction pursuant to Article III § 2, which extends the jurisdiction to cases arising under the U.S. Constitution. This Court also has jurisdiction to 28 U.S.C. §1331, 1343(a).

FACTUAL ALLEGATIONS

7. An article on the Internet claims that Defendant Biden decided to run for president after viewing the circumstances in Charlottesville, the article read:

“Joe Biden spent a hot August day at his lakefront Delaware home watching hatred on display in Charlottesville, Virginia, where torch-wielding white supremacists had marched through town. A counter protester advocating racial equality was killed when a white supremacist drove his car into a crowd. When President Donald Trump blamed the violence on "both sides," the former vice president says he was stunned. He turned to his closest advisers—his family—to discuss what to do next. Spread out across the country, the Bidens quickly convened through a series of group text messages. For months, they'd weighed whether Biden, whose two prior White House campaigns were abject failures, should try again. There was now consensus: Prepare to run against Trump.”

8. This alleged reason given by Biden sound very compassionate and heartfelt, but sadly this is not the real reason why Defendant Biden decided to campaign to become the 46th president of the United States. The acts in Charlottesville that took a protestor, Heather Heyer, life occurred on August 12, 2017. Plaintiff wrote Defendant Biden a letter dated March 18, 2019. Plaintiff letter is below:

Joseph Biden Jr.
1209 Barley Mill Road
Wilmington, DE 19807

Dear Joe:

My name is Rev. Eric Drake. I have had gifts to foresee future events since I was 12-years old. My gifts are genuine. I am writing you regarding the 2020 presidential race. I predicted that Obama would become the first African American president when no one believed me. I also can prove that I predicted Donald Trump would win the White House, even when he disbelieved himself that he would win. Every one talks about Trump being the person to beat in the 2020 presidential race, but Trump will not be a problem, nor will he be reelected.

9. The 2020 presidential campaign of Joe Biden began on April 25, 2019, a little over 30-days after the Plaintiff wrote the letter to Defendant Biden. Plaintiff actually received a telephone call from Defendant Biden. But when the Plaintiff attempted to communicate a serious incident that he foreseen to Defendant Biden, the real Joe Biden emerged. On sever occasions when the Plaintiff announced his name, the Biden family would simply hang up the telephone. It became clear to Plaintiff that the telephone call to the Plaintiff was no more than a political move. Defendant Biden do not care about black lives in American, no more than he claims that President Donald J. Trump does. It is clear that Defendant Biden needs the Hispanic and African American vote, as he is seen

hugging people of color in churches and across the land. But after the election, and he becomes the president of this nation, Biden just like all the rest of the presidents before him could care less about the struggles of people of color and poor in America. Unless something is done immediately, the black man may become more extinct than the dinosaur because they are murdered by our system of injustice, and Defendant Joseph Biden just like President Barack Obama will do nothing to stop the executions of law abiding citizens by law enforcement, who just also happen to be non-white.

10. Defendant Biden decided to run for president because the Plaintiff advised him that if he would run, he would win. And he will win without question, but the American people needs to know Joe Biden like Kamala Harris depicted during their debate. She said, "I am not calling you a racist, but you would not support busing." It is apparent that Biden do not believe that the Plaintiff have spiritual gifts of foresight because he is a Catholic. In speaking with Defendant Biden, the Plaintiff also informed him that he is one of the top three Sinatra singers in the world, and that he would be honored to sing for him. Biden said, "I will put you in touch with the people that can allow you to sing at the Presidential Ball." But now the Plaintiff understands what Senator Harris meant about Defendant Biden. Defendant Biden will say anything in order to win the White House, a long time dream. But what will happen to blacks, Hispanics, and other people of color and the poor. They will be forgotten after they cast their votes.

11. The Plaintiff has no other choice but to take this civil legal action to save lives. On February 8, 2017, the Plaintiff wrote President Trump a letter. The letter was asking nothing for himself but to assist in protecting citizens of this nation from disasters that he foreseen.

12. Thereafter, the Plaintiff wrote Vice Pence and Trump a letter requesting the same things contained in the February 8, 2017 letter, but again the Plaintiff received no response from Trump or from Pence. In both cases the Plaintiff predicted to Donald Trump that there would be Hurricanes that will hit the Eastern part of the United States. The lost of life and damage would be overwhelming. President Trump and Vice President Pence ignored what the Plaintiff wrote to them. Subsequently, the Plaintiff asked a church member, George W. Bush, to see if he could set up an appointment with the Trump administration. But Bush said, "I don't know those people." As a result, Harvey, Irma, and Maria created unprecedented damage and lost of life. Plaintiff also predicted the fires in California and that is presently on going.

13. On March 2, 2020, Plaintiff wrote President Trump because of a vision concerning Covid-19. The short letter that Plaintiff wrote Trump is below:

"Mr. President, the Coronavirus is much deadlier than what you have told the American people. This virus will grow fast, and I have foreseen cities in every state that will be affected. I believe I could assist you, and will do so to help save lives. You said the Coronavirus is under control. That's false —it's not! My gifts are real. It's up to you, but this virus will worsen to the point that many companies will resort to having their employees work from their home. I foresee countless other people being laid off from their jobs, and the number of people applying for unemployment benefits will reach a record high. I would suggest removing Pence from heading up the taskforce and putting the Surgeon General and other medical experts in charge. President Trump, I have foreseen only vacant buildings being left in cities across this nation, and in many public places. I strongly suggest that you take this pandemic much more seriously than you have been. This virus is not under control!"

14. On March 23, 2020, Plaintiff wrote President Trump yet another letter concerning Covid-19 in America as noted below:

“Mr. President, it would be a big mistake to reopen this country by April 8th. I know you most likely do not believe in spiritual gifts, but I can assist the scientists in their projections pertaining to the Coronavirus. If you continue to ignore what is going on worldwide, the Father in Heaven just might get your attention the way He got King Ramesses’ attention over one thousand years ago.

“Sir, my gifts are real. And I foresee disasters, much worse than the Coronavirus, which will impact this nation in the future. These disasters will take the lives of incalculable number of U.S. citizen’s. Further, no kind of “wall” will help the victims of the Coronavirus pandemic, and neither would a “wall” of any kind protect Americans from the other major disasters that I have foreseen. President Trump, you are wasting millions of dollar of funding for a wall that cannot save this country. Do it your way, and not only will you risk the lives of thousands of U.S. citizens, but their innocent blood shall be on your hands. Moreover, you will have to answer to God one day for your deliberate, reckless actions.”

15. However, once Defendant Biden is sworn in as the president of the United States, he will face a much more difficult opponent stemming from both nature and man-made occurrences that will take the lives of well over 100 times the death toll of those that will die from Covid-19 throughout the year of 2021. Plaintiff must do whatever he can to save as many lives as possible.

16. Yet, there is another circumstance that will occur before these things come forth, and this event is completely preventable, but not with a faithless person as president of this Country: Joe Biden. Since Biden has refused to communicate with the Plaintiff, he has no choice but to file this lawsuit to try and save lives of American citizens.

17. Plaintiff also forwarded to Defendant Biden a CD where Drake has predicted other things prior to their occurrence such as, the death of President Obama grandmother six weeks before it occurred. Plaintiff preserved these predictions as well as other predictions so that if someone disputes his God given abilities, the proof is easily provided. A tape recording made while another source is speaking is like a fingerprint. But even alleged Christians like Biden ignore spiritual gifts on account of his religion.

18. The Biden Campaign continues to beg for money, but that's not necessary. This election will not be a Hillary Clinton surprise; it is not the fact that President Trump will lose the 2020 election for the White House; he will not be able to become the 46th president of the United States. However, the Plaintiff has foreseen that the Biden Campaign has its own problems.

19. Furthermore, the Plaintiff just like other Americans believe that Biden will find a way, just like Hillary Clinton and Barack Obama to take away U.S. citizens Second Amendment Rights. Plaintiff compliant about Joe Biden is that he doesn't understand what it is like to be an expendable U.S. citizen. In other words, Biden do not understand what it is like to be a person of color in America that could be murdered by those who are supposed to protect you at any time by the police.

20. In the Plaintiff's personal dealings with Defendant Biden, he found him to be similar to many conservative rich white citizens of America. They see black people as "workers" or "laborers," but by no means they do not see other races—as an equal, because their hidden bigotry covers their blue eyes from possibly seeing the Plaintiff Eric Drake as and other people of color as truly having extraordinary spiritual and secular gifts simply because of race. Like Senator Harris said, he may not be a racist, but Defendant Biden discriminates against non-whites.

FIRST CAUSE OF ACTION

COUNT 1. RACE DISCRIMINATION

21. Plaintiff incorporates by referencing in these causes of action every averments set forth in Plaintiffs original petition. If any averments or requests for relief are inconsistent, they are pleaded in the alternative.

22. This lawsuit derives from the conduct of Defendant Joseph Biden, hereon referred to as, "Biden." As Biden's running mate for the presidency of the United States said, "I am not calling you a racist," but she let the American people know that his actions of praising known racist was an act of racial discrimination.

23. This litigation is based on the Plaintiffs personal knowledge and experiences with Defendant Joseph Biden.

24. Even though Defendant Biden listened to the Plaintiff instructing him to run for the presidential race in 2020, however because of the Plaintiffs' race, African American, Biden never believed the Plaintiff. Defendant Biden's bigotry clouded his eyes to see the Plaintiff as any more than a common everyday laborer. In other words, someone to cut his grass or wash his cars: but never possessing spiritual gifts, or truly being able to sing Sinatra better than any white singer alive today is hilarious to someone like Defendant Biden.

25. Defendant Biden bigotry is undoubtedly a learned stigma. Joseph Biden Jr. worked with segregationists, as his own running mate told the world during their debate on live television. His crime bill was the exact opposite of what the democrats are now proposing. How many black Americans were sent to prison because of the law that Joe

Biden supported? Biden didn't care! How can Joe Biden claim that he love black and other people of color when they are not welcome in his life other than their votes? Defendant Biden's telephoning Drake was no more than an act or show. "But it was not an invitation to become friends because Biden saw the Plaintiff as beneath him."

26. Democrat's went after Trump's family history, and sadistically demonstrated how corrupt supposedly Trump is to people of color. The New York Times went after the families business dealings, going all the way back to his father. The media has gone after his children, despite no criminal activity—which we can't say the same for Hunter—and the attacks even include the president's youngest child, Barron. But Biden, Obama, the Clintons, and most politicians only care about votes and not the people. And Defendant Biden is no different.

27. Defendant Biden is from an era of time when: 1) blacks were hung; 2) they were prevented from voting; 3) they could not eat but in a small section of a diner; 4) they could not rent a hotel room; 5) they could not drink water out of a fountain except the water fountains that stated, "Colored," and 6) busing to all white school were protested by many whites, who were just like Biden. Conservative whites did not desire their children to commingle with the blacks and other nonwhites. This type of racism is of the worse kind of mentality: "You don't see blue birds mating with red birds."

28. How could a person be raised in a family that saw black people, as "Colored" ever believe that the Plaintiff truly had the gift of foresight by God? These would-be Christians believe that their God is white! These narrow-minded individuals are flooded with misconceptions of their own bigotry and racism. And these same people have the audacity to ask for money from the poor, and the working class while they are rich to become elected to public office. And Biden have the guile to ask the poor and the

working class for their vote—when people like Biden have no intentions of ever responding to the needs of the oppressed, poor, and the working class.

29. With this way of thinking, unquestionably Defendant Joe Biden's family owned slaves. But how many true black friends does Biden have who are not in the ranking of a past president, or senator—most likely, none! Yet, he can beg for money from the struggling to help him get into office because President Trump is supposedly so bad. Trump however is not constantly asking the Plaintiff for money. President Trump will protect U.S. citizens Second Amendment Rights. With all of the shootings that have occurred in the past 4-years on President Trump's watch, it is difficult to imagine that Joe Biden would not have banded all AR15 styled long guns, yet allowing the rich to own expensive cars that are made to drive over 180 miles per hour. Cars kill more people than firearms.

30. The Joe Biden that I know today would not believe that a black man who is unknown in the music industry could be one of the top two Sinatra singers in the world, because this is beyond Joe Biden's mentality. Joe's promises to the Plaintiff was no more than to keep the Plaintiff hoping, just like Joe will do for the countless people of color, the poor, and the working class whites who will vote for him—keeping them all hoping while he dine with the rich. Thus, when Biden is sworn in as the 46th president, which he will become the next president, and there is nothing on this Earth that can stop him at this point. Even if Biden stopped campaigning on October 2020 he would still win the 2020 election. There is a reason for this, but the Plaintiff cannot write that in this petition—however, the world will see shortly. The Plaintiff Drake main point is that he warned President Trump of how deadly Coivd-19 is, and it have been revealed that Trump was

aware of this fact. But Biden will not believe the Plaintiff because he is not white, and 5 to 30 million people will be at risk of losing their lives. Listen to the scientists but be guided by God and His servants.

31. Apparently, Defendant Biden family found it strange that a person of color would be calling their home. They have consistently said, “Do you know Joe?” As such to say, we don’t associate with those people. Of course, Defendant Biden could not tell the American people that he decided to run for the White House in 2020, because an African American minister told him to do so. What would the neighbors think? Defendant Biden used the tragedy in Charlottesville as his footstool to become the president of the United States. Rich people like Joe Biden do not care about the little people who are struggling in America. But to use such a tragedy shows the real man.

32. The actions of Defendant Joe Biden and his family certainly project as his running mate Mrs. Harris said, “discriminative nature,” but not necessarily a racist. And such bias mentality rejects blacks who have such gifts—as the Plaintiff have said, the same mentality as George W. Bush. However, the Plaintiff cannot blame Mrs. Harris for accepting the position, as Vice President, it’s a once in a lifetime opportunity. At least she knows what kind of man Biden is; and possibly she will make a difference where someone who is white would not. In the similar manner, the Plaintiff has made a difference at his church, which is predominantly white and conservative. Highland Park United Methodist Church in Highland Park, Texas is in the Plaintiffs opinion, one of the most racially inclined churches in the United States. Its membership consist of the rich and famous, but their attitudes come very short of what Christ would deem acceptable.

Each Sunday it's like going to the country club rather than truly worshipping God. But the Plaintiff has been instrumental in getting three African American ministers to be placed on staff, something that did not occur until the Plaintiff pushed the church to place at least one African American on staff.

33. Defendant Joe Biden was racially discriminative against the Plaintiff and tried to use Drake as he did the incident in Charlottesville to assist with his campaign for presidency. Defendant Biden desired for the Plaintiff to tell all of his black friends that he got a call from the past vice president, and this would of course allow those friends to feel like Joe cares about them—creating more votes. Defendant Biden tried to use the Plaintiff's race to catch other blacks in Joe's net of deceit. It's all about votes, but Biden mindset is not to get too close to the natives.

SECOND CAUSE OF ACTION

COUNT 2. DISCRIMINATION IN RELIGION

34. Plaintiff incorporates by referencing in these causes of action every averments set forth in Plaintiffs original petition. If any averments or requests for relief are inconsistent, they are pleaded in the alternative.

35. Defendant Biden is a practicing Catholic. This Christian based religion does not truly believe that God allows men of today to possess gifts of foresight. As pled herein, Biden did not believe that the Plaintiff was blessed with gifts to foresee the future simply because of the Plaintiff's race. Likewise, Defendant Biden cannot imagine the Plaintiff being able to foresee the future because Catholics does not believe in such gifts.

36. Defendant Biden criticism of President Donald Trump is that he will not listen to the scientist. I would rather have a person who is led by God than one who led by men that are supposed to be the experts.

37. Plaintiff did not understand that he was offensive to Defendant Biden. But the past vice president is cunning and is just looking to get votes. These types of underhanded acts do not need to be carried out because as predicted to Biden, he will become the 46th president of the United States. But what will people of color, small businesses, and our second amendment rights win after Biden take office? The rich get richer and the poor and our veterans die every day.

38. As a result of Defendant Biden's attitude, millions of people will most likely die because in his frame of mind, God could not grant a black person with gifts of foresight in the twenty-first century.

39. In the future, there will be a vaccine for Covid-19, but there will never be a vaccine for the outright murder of black men in America. And Joe Biden will not make the killing of unarmed people of color a federal crime (a hate crime) when police officers who are predominantly white murder black men in America.

40. Experts say that Covid-19 causes greater medical complications for blacks and Hispanics than whites. But African Americans and Hispanics have been dealing with another type of pandemic that has been killing them for centuries, its called a failed judicial system that: 1) allows them to be murdered with little or no concern; 2) our corrupt system hide and manufacture evidence to convict certain races in America; 2) judges and law enforcement deprived them of their rights enshrined in the U.S. Constitution and Bill of Rights. Without the ability to possess firearms and to be able to defend ones self, the black man will become only a memory. Although Joe Biden will

win the 2020 election, the Plaintiffs' vote goes to Donald J. Trump—someone that the Plaintiff knows will not interfere with his Second Amendment Rights.

THIRD CAUSE OF ACTION

COUNT 3. DEFENDANTS VIOLATED THE 5th AMENDMENT

41. Plaintiff incorporates by referencing in these causes of action every averments set forth in Plaintiffs original petition. If any averments or requests for relief are inconsistent, they are pleaded in the alternative.

42. The Fifth Amendment clause promises that before depriving a citizen of *life*, liberty or property, government must follow fair procedures. It is not always enough for the government just to act in accordance with whatever law there may happen to be. Citizens may also be entitled to have the government observe or offer fair procedures, whether or not those procedures have been provided for in the law on the basis of which it is acting. Action denying the process that is "due" would be unconstitutional.

43. In the case, millions of U.S. citizens will be deprived of their lives because Defendant Biden refused to believe in spiritual gifts and accept the fact that God grants spiritual gifts to all of His servants, which includes people of color.

44. While the 5th Amendment is normally associated with due process in criminal cases, the Plaintiff believes that the authors of the U.S. Constitution would agree that the possible actions of Defendant Biden could cause the lives of countless citizens.

*"The first duty of the Government is to afford protection to its citizens."*¹

45. Morally and logically the Chief Executive Officer of this nation has the responsibility to protect its citizens. This is one of the main reasons why American citizens "pay" their taxes and surrender their will to the law.

46. The U.S. constitution guarantees both the right to life (Article 26.1) and the right to security (Article 29.6) providing that, “Every person has the right to life, and that a person shall not be deprived of life intentionally, except to the extent authorized by the Constitution or other written law.” But the Defendant Biden will fail in protecting the lives of American citizens just because the person who is attempting to communicate with him is not white—but an African American, and by doing so will violated a core responsibility of the Office of the President of the United States.

47. Unquestionably, Defendant Biden will say or do anything just to get enough votes to fulfill a lifelong dream, including making promises to the Plaintiff when Biden knew that he was not being truthful to Drake, and the fact that Biden did not believe the Plaintiff.

48. U.S. citizens deserve to have a president that they can trust. Citizens who are people of color and the working class, which including small businesses also deserve to be treated equally. Congress sends billions of dollars to bail out corporate giants, but give the working class only a slender of money to live on. Defendant Biden is of that class of person that agrees with the non=caring of those that are struggling.

49. WHEREFORE, Defendant Biden will fail to protect U.S. citizens on account of his discriminative actions and his failure to believe the Plaintiff, just because of his race. Defendants Joe Biden is going to put at risk the lives of thousands of more U.S. citizens, unless precautions are not taken immediately.

PLAINTIFF'S VOTE WILL BE FOR DONALD J. TRUMP

Demand For Trial By Jury

50. Plaintiff demands trial by jury as to all issues set forth in this petition.

Prayer

51. Plaintiff Eric Drake pray that Defendant Biden be cited to appear and answer herein as required by law. Plaintiffs also pray for other relief that he may show himself to be justly entitled.

52. WHEREFORE, Plaintiffs request that Defendant Biden be cited to appear and answer, and that on final trial, Plaintiffs have judgment against Defendant for:

1. Relief as prayed for;
2. Such other relief, at law or in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric Drake', is written over a horizontal line.

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